IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 108 of 2007
Date of decision : 12.1.2007

Bhagwant Singh & Anr.

.....Petitioners.

Versus

Om Parkash & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.P.K. Gupta ,Advocate
for the petitioners.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 18.11.2006 passed by the learned Addl. District Judge, Fatehgarh Sahib vide which the money decree has been ordered to be stayed on furnishing of bank guarantee for 50% of decretal amount and surety bond for the remaining amount to the satisfaction of the trial Court within a period of two weeks.

The learned counsel for the petitioner by relying upon the judgment of the Hon'ble Supreme Court in ***Sihor Nagar Palika Bureau Vs. Bhabhlubhai Virabhai & Co. 2005(2) Civil Court Cases 731 (SC)*** to contend that the impugned order is liable to be set aside.

I have gone through the judgment. In that case the Hon'ble Supreme Court has held that it is discretion of Court to order deposit of amount or to furnish security and this discretion is to be exercised judiciously and not arbitrarily. In the present case while passing an order the

learned Addl. District Judge has acted fairly in only asking for bank guarantee for 50% of decretal amount and surety bond for the remaining amount to the satisfaction of the trial Court.

The exercise of discretion by the learned Addl. District Judge cannot be said to be arbitrary to attract the judgment cited by the learned counsel for the petitioner.

There is no merit.

Dismissed.

12.1.2007. **(VINOD K. SHARMA)**
'sp' **JUDGE**